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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,813	05/08/2006	Paul M. Carter	22409-00288-US	3627
30678 7590 12/23/2008 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20006				
EXAMINER				
DINGA, RO'LAND				
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3766				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/518,813

**Applicant(s)**

CARTER ET AL.

**Examiner**

ROLAND DINGA

**Art Unit**

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,5,7-11,13-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swerling et al (US 4192451) in view of Schulman et al (US5609616). Hereinafter Schulman and Swerling.

Regarding claim 1 and 24, Swerling discloses a testing apparatus for testing circuit at component level and diagnose problem with electronic equipment [col.1, lines 63- 68 and col.2,lines 1-9]; Testing circuit applying test to the component and measuring the response [col.2,lines 5-12. Swerling fails to disclose that the apparatus has at least a testing station and also failed to disclose testing of medical device. With regards to having a testing station, such would have been obvious to one of ordinary skill in the art to provide the testing system in a testing station. Regarding testing medical device, Schulman discloses testing of cochlear implant [see title]. Thus, it would have been obvious to one of ordinary skill in the art by the time the invention was made to use the apparatus of Swerling to test medical device because the device of Schulman is an electronic circuit.

Regarding claim 2, Swerling fails to disclose that a medical device is a cochlear implant system and that at least one component that is to undergo testing comprises a cable and/or a transmitter coil adapted to be connected to an external speech processor component of the system. However, Schulman discloses a medical device which is a cochlear implant system [see fig.1]. Schulman discloses a wearable system (10) containing a wearable processor (16), an antenna 20 (taken to be the transmitter coil) and inherently has a cable that connect the antenna to the processor [see fig.1]. It would have been obvious to one of ordinary skill in the art by the time the invention was made to have a medical device that is a cochlear implant and that at least one component that is to undergo testing comprises a cable and/or a transmitter coil adapted to be connected to an external speech processor in the device of Swerling because the cable and/or transmitter coil connected to the external speech processor constitute an electronic circuit for testing.

Regarding claim 5, neither Swerling nor Schulman discloses two testing stations. It is well within the purview of choose to have two testing station to provide electrical connection to the cable. Thus, It would have been obvious to one of ordinary skill in the art by the time the invention was made to have two testing station to provide electrical connection to the cable in the device of Swerling in order to independently test different cables.

Regarding claim 7, Swerling fails to disclose a cable testing station comprises a

socket having a shape that is adapted to receive a plug of a particular cable design and no other and the socket allowing electrical connection to the cable under test. However, Schulman discloses testing station 300 with two ports (taken to be the socket) for allowing electrical connection to the cable under test [see fig.6]. It would have been obvious to one of ordinary skill in the art by the time the invention was made to have a socket in the device of Swerling having a shape that is adapted to receive a plug of a particular cable design in order that the socket allows electrical connection to the cable and the testing station.

Regarding claim 8, Swerling fails to disclose an apparatus that has a single coil testing station. Schulman discloses a testing station [see fig.6]. Thus, It would have been obvious to one of ordinary skill in the art by the time the invention was made to have a single testing station to provide electrical connection to the cable in the device of Swerling in order to independently test one particular cable.

Regarding claim 9-11, Swerling fails to disclose the limitation of this claim. However, Schulman discloses a dial for setting measurement for the coil [see fig.6] but failed to that provides an indication of where the tested coil should be placed to ensure an appropriate test of the tested coil is undertaken and a pictorial representation of a transmitter coil. Such would have been obvious to one of ordinary skill in the art to provide a specific location on the testing station with a pictorial representation of a transmitter coil to test the transmitter coil in order that a lay person or the patient can be able to operate the device without the help from a physician.

Regarding claim 13, neither Swerling nor Schulman discloses that a magnet is positioned at or below the planar surface of the case; the magnet is adapted to provide magnetic alignment with a magnet within a coil under test and so maintain the coil in the correct place for testing. However, such would have been obvious to one of ordinary skill in the art to provide a magnet underneath the case of the testing station so that the magnet of the coil would attract with the one underneath the case and would help to properly position the transmitter coil for measurement.

Regarding claim 14, Swerling failed to disclose tested coil has a cable extending there from that is also testable by the testing apparatus. Such would have been an obvious design choose to have a cable extending there from that is also testable by the testing apparatus in order to provide electrical connection.

Regarding claim 15, Swerling discloses that the diagnoses system exercises the device under test to generate signatures which are obtained at various predetermine test point and electronically compared with a stored signature [abstract].

Regarding claims 16 and 17, Swerling discloses a microprocessor unit 10 (taken to the control means) [see fig.1; col.3, lines 3-8].

Regarding claim 18, Swerling discloses a memory means 14[see fig.1, col.3, lines 5-10].

Regarding claim 19, Swerling discloses a digital testing system [col.1, lines 63-64], thus the microprocessor inherently has an ADC to digitize the measurements.

Regarding claim 20, the device of Swerling obviously measurements from the testing circuits is in the form of current and voltage levels and the data indicative of the response of the equivalent operational component is in the form of voltage and current ranges associated with non-faulty apparatus.

Regarding claims 21 and 22, such would have been obvious to one of ordinary skills to have a light that illuminate to represent component passes the test and don't illuminate to represent component that is faulty.

Regarding claims 23, neither Swerling nor Schulman discloses a light emitting diode (LED). However, it is well known in the art to use LED in testing apparatus (e.g. US 4742295). Thus, it would have been obvious to one of ordinary skill in the art by the time the invention was made to use LED in the device of Swerling to indicate pass or failure of test.

Regarding claims 25-29, this limitation would have been obvious from the normal operation of Swerling in combination with Schulman.

### ***Response to Arguments***

3. Applicant's arguments filed 08/12/2008 have been fully considered but they are not persuasive. The objection of claims 4 and 6 has been withdrawn and the previous rejection of claims 1-24 has been maintained and the newly submitted claims has been addressed as seen above.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ROLAND DINGA** whose telephone number is (571)270-3644. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on 571 272 4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROLAND DINGA/  
Examiner, Art Unit 3766  
12/19/2008

/Carl H. Layno/  
Supervisory Patent Examiner, Art  
Unit 3766